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8 **UNITED STATES DISTRICT COURT**
9 EASTERN DISTRICT OF CALIFORNIA

10 ROGER CANTU, et al.,

11 Plaintiffs,

12 v.

13 KINGS COUNTY, et al.,

14 Defendants.

15 Case No. 1:20-cv-00538-JLT-SAB

16 ORDER DISCHARGING ORDER TO
17 SHOW CAUSE

18 (ECF Nos. 70, 71, 72)

19 On October 12, 2023, minor Plaintiff G.C., through their guardian ad litem Maryzol
20 Jones (“Petitioner”), filed a petition to compromise Plaintiff G.C.’s claims in this action. (ECF
21 Nos. 62, 63, 64, 65.) The matter was set for hearing on December 13, 2023. (ECF No. 62.)
22 Upon review of the application materials, the Court determined supplemental briefing was
23 necessary in advance of the hearing. Therefore, on December 1, 2023, the Court ordered
24 Petitioner to file supplemental briefing on or before December 8, 2023, so the Court would have
25 the materials in advance of the hearing. (ECF No. 69.) The deadline to file supplemental
26 briefing expired and Petitioner did not file the supplemental briefing, nor any other filing
27 notifying the Court why no such filing was made. Therefore, on December 11, 2023, the Court
28 issued an order requiring Petitioner to show cause in writing why sanctions should not be
imposed. (ECF No. 71.) The Court also continued the hearing on the petition until January 10,
2024. (Id.)

1 Also on December 11, 2023, Petitioner did file supplemental briefing. (ECF No. 70.)
2 The supplemental briefing was docketed before the Court's order to show cause was docketed.
3 Additionally on December 11, 2023, Petitioner filed a direct response to the Court's order to
4 show cause. (ECF No. 72.)

5 In the supplemental briefing, Petitioner acknowledged the late filing in a declaration of
6 counsel attached. (ECF No. 70-1 at 1-2.) Counsel proffers she was "out of the country traveling
7 to Bali and Australia from November 12, 2023 and did not return until December 9, 2023. I
8 drafted the supplemental briefing and conducted the requested research as quickly as I could
9 upon my return." (Id. at 2.)

10 In the separate response to the OSC, Petitioner's counsel provides the same reasoning for
11 the failure to file supplemental briefing. Counsel also expressly acknowledges previous issues
12 with filings in this in relation to the law firm, proffering: "On this case in particular there has
13 been a perfect storm of events: 1. The termination of the employee that was handling the day-to-
14 day litigation of this case; 2. My subsequent surgery and recovery period, and 3. My vacation
15 abroad." (ECF No. 72 at 2.) Counsel also attaches copies of her travel itinerary.

16 Although this is not the first order to show cause in this action, given counsel filed the
17 supplemental briefing on December 11, 2023, with an acknowledgement of the delay even
18 before the OSC was issued, and based on the additional information contained in the response to
19 the OSC filed the same day the OSC was issued, the Court shall discharge the order to show
20 cause.

21 Accordingly, IT IS HEREBY ORDERED that the order to show cause issued on
22 December 11, 2023, (ECF No. 71), is DISCHARGED.

23
24 IT IS SO ORDERED.

25 Dated: December 12, 2023



UNITED STATES MAGISTRATE JUDGE

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